MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAM

TRIMESTER 1, 2015/2016

UVT 2612 – ENVIRONMENTAL LAW

(All Sections / Groups)

12th OCTOBER 2015
Reading Time: 2.30 pm – 2.45 pm
(15 Minutes)
Answering Time: 2.45 pm – 5.45 pm
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of **3** pages with **5** Questions only.

3. Attempt **FOUR** out of the **FIVE** questions. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring in any statute into the Examination Hall CLEAN and ORIGINAL copy of the Environmental Quality Act 1974.

5. Please write all your answers in the Answer Booklet provided.

QUESTION 1

Ali, the owner of Syarikat Buang Sampah Sdn Bhd, a company specialises in landfill management has been charged under various offences under the Environmental Law 1974. Despite being a licensed company by the Department of Environment, during one random visit, his company was found guilty of various offences.

Charge 1
Discharge of excessive noise resulted from the usage of Landfill compactor machines which exceeds the acceptable limit specified under the Environmental Law 1974

Charge 2
Discharge of leachate, a liquid based toxin waste into the nearby river.

Charge 3
Fire that broke out from the landfill resulted from the method used by the workers of Syarikat Buang Sampah Sdn Bhd. In order to save time, they simply burn the wastes which cannot be recycled.

Discuss the validity of the above mentioned charges, the punishment, and defences if available according the relevant statute. Ali was ordered to pay Rm 500 000 as provided under the Section 47 of the Environmental Quality Act 1974 for all the charges imposed on him. He feels like the harsh fines were too much and wishes to appeal. Advise him.

(TOTAL: 25 Marks)

Continued...

QUESTION 2

This definition is from *Our Common Future*, also known as the Brundtland Report:

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two key concepts:

- *the concept of needs, in particular the essential needs of the world's poor, to which overriding priority should be given; and*
- *the idea of limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs."*

Based on the provision from the Environmental Quality Act 1974 and other decided cases, discuss the implementation of the above concept in Malaysia.

(TOTAL: 25 Marks)

QUESTION 3

UK Royal Commission on Environment defines pollution as 'the introduction by human into the environment, of substances or energy liable to cause hazards to human health, harm to living resources and ecological system, damage to structures or amenity or interference with legitimate uses of the environment. Examine the types of pollutions covered under the Environmental Quality Act 1974.

(TOTAL: 25 Marks)

QUESTION 4

In 1986, an amendment was made to section 34A of Environmental Quality Act 1974. This amendment introduced the need to comply to certain assessment before any project can be approved of. Discuss the content and significance of this assessment by referring to relevant legislation and cases.

(TOTAL: 25 Marks)

Continued...

QUESTION 5

Gopal Sri Ram JCA ruled in *Tan Tek Seng v. Suruhanjaya Perkhidmatan Pendidikan & Anor [1996] 1 MLJ 261* that the expression 'life' in art 5(1) of the Constitution is to be given a broad and liberal meaning in order to implement the true intention of the framers of the Federal Constitution. In his lordship's words:

"Adopting the approach that commends itself to me, I have reached the conclusion that the expression 'life' appearing in art 5(1) does not refer to mere existence. It incorporates all those facets that are an integral part of life itself and those matters which go to form the quality of life. Of these are the right to seek and be engaged in lawful and gainful employment and to receive those benefits that our society has to offer to its members. *It includes the right to live in a reasonably healthy and pollution free environment."*

The decision above could have included the concept of Public Interest Litigation. Discuss the availability of this concept in Malaysia by referring to the relevant statute and cases.

(TOTAL: 25 Marks)

End of Page